

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 17-157 (01) (MJD/HB)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>GOVERNMENT’S RESPONSE TO</b>
	)	<b>DEFENDANT’S MOTION FOR AN</b>
v.	)	<b>EXAMINATION AND HEARING</b>
	)	<b>PURSUANT TO 18 U.S.C. § 4244</b>
TODD SEAVER KNUTSON,	)	
	)	
Defendant.	)	

The United States of America, by and through its attorneys, Gregory G. Brooker, United States Attorney for the District of Minnesota, and Assistant U.S. Attorney Andrew Dunne, hereby submits its response to the Defendant’s motion for a psychiatric or psychological examination and hearing under 18 U.S.C. §§ 3552(c) and 4244 in the above captioned matter.

**FACTS AND PROCEDURAL BACKGROUND**

On June 6, 2017, the FBI Safe Streets Task Force and St. Paul Police obtained a state search warrant for the Defendant Todd Seaver Knutson and his residence located at 890 Arkwright Street N. in St. Paul. *See* Report and Recommendation (R&R) at 5-6 (ECF Docket Entry No. 61). On the morning of June 6, because of information previously received about the Defendant and concern for officer safety, law enforcement initiated surveillance at 890 Arkwright wanting to approach the Defendant outside of the residence before executing the search warrant in order to avoid a potentially violent stand-off. *Id.* at 7. The officers also had a verbal felony domestic violence/probable cause pick-up for the

Defendant issued out of the Ramsey County family violence unit. Law enforcement officers observed the Defendant leave the residence on a motorcycle and proceed to a nearby Super America (SA) gas station. *Id.* When law enforcement approached the Defendant in front of the SA gas station, he fled from the officers on foot, running all the way around the gas station and back out onto Maryland Avenue where he was subsequently apprehended. Law enforcement conducted a search of the area of the Defendant's flight and recovered cash they suspected that the Defendant had dropped while he was running away. Surveillance video from the SA was reviewed on June 7 and it showed the Defendant throwing something in the air as he was running away from the police. An additional search of the area was then conducted and a Lorcin .25 caliber handgun was located on the roof of the SA gas station. *Id.* at 7-8.

Following apprehension of the Defendant, officers executed the search warrant at 890 Arkwright. *See* R&R at 8. During the search, law enforcement recovered numerous items relevant to their investigation including the following: a large quantity of methamphetamine; a back-pack containing a large amount of shotgun ammunition; multiple mailings in the name of Todd Knutson (listing a different address); an ammo box full of ammunition; six firearms including a 9mm handgun, two Ruger Vaquero .45 caliber handguns, a MAK-90 7.62mm assault rifle, a Master Piece Arms MAC-10 .45 caliber handgun/machine pistol, and a Marlin .22 caliber rifle; two MAK-90 magazines, fully loaded and taped together; two MAC-10 magazines, fully loaded and taped together; and a bullet-proof vest laying on top of the assault rifle. The officers also recovered two digital scales (commonly used to weigh narcotics), a quantity of U.S. currency, and two cellular

telephones. *Id.* The residence also had a home surveillance system including multiple cameras both inside and outside of the residence.

On July 11, 2017, the Defendant was charged in a two-count Indictment with being a convicted felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On August 8, 2017, a Superseding Indictment was returned by the grand jury adding a third count that charged the Defendant with possession, with intent to distribute, 500 grams or more of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

On January 11, 2018, the Defendant appeared before this Court and entered a guilty plea to Count 3 of the Superseding Indictment. This Court remanded the Defendant to the custody of the U.S. Marshal and directed the U.S. Probation and Pretrial Services Office to prepare a Presentence Report in the matter. Following the entry of his guilty plea, the defendant sent two handwritten *pro se* letters to this Court dated February 14 and March 12, 2018. The Defendant subsequently submitted the instant motion requesting a psychological or psychiatric examination and hearing pursuant to 18 U.S.C. §§ 3552(c) and 4244(a).

### **DISCUSSION**

18 U.S.C. § 3552(c) provides as follows:

If the court, before or after its receipt of a [PreSentence] report...desires more than is otherwise available to it as a basis for determining the mental condition of the defendant, the court may order the same psychiatric or psychological examination and report thereon as may be ordered under section 4244(b)...

*See* 18 U.S.C. § 3552(c).

In turn, 18 U.S.C. § 4244 provides the appropriate procedures to be followed where the hospitalization and commitment of a convicted person suffering from a mental disease or defect may be in order. *See also United States v. Jensen*, 639 F.3d 802, 805 (8th Cir. 2011) (setting forth the procedures to be followed by the court under the statute). Sections 4244 (a) and (b) specifically provide that a court may “order that a psychiatric or psychological examination of a defendant be conducted” and a “report be filed with the court” to determine whether the defendant is “presently suffering from a mental disease or defect” for which he is in need of commitment to an appropriate medical facility. *See* 18 U.S.C. §§ 4244 (a) and (b). Following the preparation of such a report, a hearing may be held before the court pursuant to 18 U.S.C. § 4244(c).

### **CONCLUSION**

In light of all the facts in this case, and pursuant to the provisions set forth in 18 U.S.C. §§ 3552(c) and 4244, the United States has no objection to the Defendant’s request for such a psychological or psychiatric examination, report and hearing.

Dated: March 27, 2018

Respectfully Submitted,

GREGORY G. BROOKER  
United States Attorney

*s/ Andrew Dunne*

BY: ANDREW DUNNE  
Assistant U.S. Attorney  
Attorney ID No. 175195